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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,131	01/26/2001	Satoshi Mizutani	2309/01213	6716
7590 04/29/2004		EXAMINER		
DARBY & DARBY P.C.		CHEVALIER, ALICIA ANN		
805 Third Avenue		ART UNIT		
New York, NY 10022		PAPER NUMBER		

1772

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Advisory Action	Application No. 09/771,131	Applicant(s) MIZUTANI ET AL.	
	Examiner Alicia Chevalier	Art Unit 1772	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-7 and 10-17.

Claim(s) withdrawn from consideration: 8 and 9.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation Sheet

Continuation of 2. NOTE: Newly Amended claim 5 raise(s) new issues requiring a novel search and further consideration because it now recites all the limitations from claims 1, 2, 3 and 5, which creates a new combination not previously considered.

Newly Amended claim 11 raise(s) new issues requiring a novel search and further consideration because it now recites “at least two particulate materials of differently sized inorganic particles having a mean size in a range of between 0.1 μm and 30 μm , each inorganic particle differing in size by at least 9 μm ... a mean height of the protrusions from the surface of the top sheet is in a range between 0.05 and 1.0 mm”.

Newly Amended claims 12, 15 and 17 raise(s) new issues requiring a novel search and further consideration because they now recites “at least two differently sized particulate materials having a mean size in a range of between 0.1 μm and 30 μm , each mean particle differing in size by at least 9 μm ... a mean height of the protrusions from the surface of the top sheet is in a range between 0.05 and 1.0 mm”.

Newly Amended claim 13 raise(s) new issues requiring a novel search and further consideration because it now recites “at least two differently sized particulate materials ... each mean particle differing in size by at least 9 μm ”.

Newly Amended claims 14 and 16 raise(s) new issues requiring a novel search and further consideration because they now recites “at least two particulate materials of differently sized particulate materials having a mean size in a range of between 0.1 μm and 30 μm , each mean particle differing in size by at least 9 μm ”.

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Continuation of 5. does NOT place the application in condition for allowance because:

Applicant's arguments are drawn to a proposed claim amendment, which is not being entered.

Therefore, the arguments are not commensurate in scope with the claims.

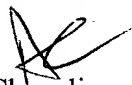
Applicant's arguments in the response filed April 12, 2004 regarding the 35 U.S.C. 112 and 103 rejections of record in the final office action, mailed January 27, 2004, have been carefully considered but are moot since they are drawn to claim amendments that are not being entered.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alicia Chevalier
4/28/04


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

4/28/04